

### **REMARKS**

By the present amendment, Applicant has amended Claims 1, 11, and 17, cancelled Claim 14 , and added Claims 19-21. Claims 1-13, and 15-21 remain pending in the present application. Claims 1, 11, and 17 are independent claims.

Applicant appreciates the courtesies extended to Applicant and Applicant's representative during the personal interview held September 7, 2005. The present response summarizes the agreement reached. At the interview Applicant demonstrated the basic embodiment of the claims, a DVD of Applicant giving a full demonstration of the claimed embodiments, and arguments distinguishing the claims over the applied prior art were presented. A proposed amendment to the claims, and proposed new Claims 19 and 20 were also presented to overcome the rejections under 35 U.S.C. § 112, second paragraph. The Examiner indicated that the arguments that the applied primary reference to Rogers does not teach both a trigger sensor and a monitor speaker contained in a drum shell. The voice coil transducer of Rogers is explicitly set forth as a drum trigger. In addition, none of the remaining cited and applied prior art references provide any teaching to use both a trigger sensor and monitor speaker in a drum shell.

In the recent Office Action (date mailed July 26, 2005) the Examiner rejected Claims 17 and 18 under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant has amended Claim 17, to properly recite the limitations that the Examiner indicated as being omitted. Applicant respectfully submits that Claims 17 and 18, as amended, meet the specific requirements of 35 U.S.C. § 112, second paragraph.

In the recent Office Action (date mailed July 26, 2005) the Examiner rejected Claim 1 under 35 U.S.C. § 102(b) as being anticipated by Rogers. Claims 2, 4, 5, 7-12, and 14-15

was were rejected under 35 U.S.C. § 103(a) as being unpatentable over Rogers, or Rogers in view of Adinolfi. These rejections are respectfully traversed. The indication by the Examiner that Claims 3, 6, 10, 13, and 16 would be allowable if rewritten in independent form including all of the limitations of the base claim and of any intervening claims is noted with appreciation.

Applicant will advance arguments hereinbelow to illustrate the manner in which the presently claimed invention is patentably distinguishable from the cited and applied prior art. Reconsideration of the present application is respectfully requested.

The applied primary reference to Rogers discloses a drum trigger pick up disposed in a drum shell having a voice coil transducer for producing a voltage in response to the vibrations of a funnel cone when an adjacent drum head is struck. Rogers does not teach both a trigger sensor and a monitor speaker contained in a drum shell. The voice coil transducer of Rogers is explicitly set forth as a drum trigger. As stated during the aforementioned interview, Rogers is not an anticipatory reference because all of the limitations of original Claim 1 are not disclosed in the prior art reference to Rogers. Applicant respectfully requests that this particular ground of rejection be withdrawn.

In addition, the rejection of Claims 2, 5, 12, and 15 under 35 U.S.C. § 103(a) is unfounded because the base limitations are not met, as stated above, and consequently there is no *prima facie* basis for obviousness established in the Rogers reference. Further, the applied secondary prior art reference to Adinolfi does not provide any teaching that one having ordinary skill in the art would have been motivated to use both a trigger sensor and monitor speaker in a drum shell as set forth in the instant claims. Applicant submits that neither Rogers nor Adinolfi, alone or in combination, teaches Applicant's unique

constructions of a drum or drum kit having a trigger and monitor as recited in the instantly claimed embodiments. Applicant respectfully requests that the rejections based on prior art be withdrawn and this application passed to issue. A Notice to that effect is earnestly solicited.

In addition, Applicant has amended Claims 1, 11 and 17 to recite that the speaker subsystem generates an audible sound, as suggested by the Examiner during the interview, in order to functionally distinguish over the voice coil pickup transducers of the prior art. Support for such amendment is found in the specification at page 8, lines 14-16. Applicant respectfully submits that for at least these reasons, Claims 1-13, and 15-21 is are allowable over the prior art applied of record.

For the foregoing reasons, Applicant respectfully submits that the present application is in condition for allowance. If such is not the case, the Examiner is requested to kindly contact the undersigned in an effort to satisfactorily conclude the prosecution of this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Warren S. Edmonds", written in a cursive style.

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